



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 016778/0443

Applicant: Kazushi TSUJI
Title: RADIO BASE STATION APPARATUS AND METHOD FOR
PREVENTING RADIO FUNCTION FROM BEING INTERRUPTED
Serial No.: 10/019,653
Filed: April 19, 2002
Examiner: Unassigned
Art Unit: 2682

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

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TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Japanese Office Action that issued July 1, 2003 with respect to a counterpart Japanese patent application is provided below.

“The inventions pertaining to the claims of the present application described below could have been invented easily by an individual having a common knowledge of the field of technology to which the invention belongs as it stood prior to the application based on inventions described in the publications listed below, which had been distributed in Japan prior to the application, and thus are ineligible to receive patent protection based on the stipulations of Article 29, Paragraph 2 of the Patent Law.

Note

(For a list of the cited literature, see the List of Cited Literature.)

Claims: 1-9

Cited Literature: 1, 2

Remarks

The inventions pertaining to the applicable claims are seen as that which could be arrived at easily by an individual in the industry by applying the structure that invalidates the output signals from a receiver part wherein a failure has occurred, as disclosed in the inventions described in Cited Literature 2, to the base station structure in the invention described in Cited Literature 1, wherein there are different sector antennas linked together.

List of Cited Literature

1. Japanese Unexamined Patent Application Publication H8-307923
2. Japanese Unexamined Patent Application Publication H10-41865"

Applicant's statements regarding the Japanese Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

Applicant respectfully requests that the listed document be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

September 17, 2003
Date

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